

SAINT REGIS MOHAWK TRIBAL APPELLATE COURT

ADMINISTRATIVE ORDER OF THE COURT –
AUDIO RECORDING PERMITTED IN LIEU OF TRANSCRIPT;
COURT TO PROVIDE IN LIEU OF PARTIES

Jurisdiction

The SRMT Tribal Appellate Court applies SRMT Tribal Court and Judiciary Code (hereinafter SRMT TCJC) permits this Court to hear all appeals from the trial court.

Applicable Law

The Court applies SRMT TCJC and SRMT Rules of Civil Appellate Procedure (hereinafter SRMT Rules Civ.App.Proc.).

The SRMT TCJC Rule VI(1) permits this Court to interpret, construe and apply the laws and regulations of the Tribe. SRMT Rules Civ.App.Proc. Rule II(B) requires this Court to apply Federal Rules of Appellate Procedure (FRAP) where any matter is not covered by these Rules.

FRAP Rule 5 governs interlocutory appeals, which are permitted under federal law. 28 U.S.C. 1292.

Analysis

Interlocutory appeals are not addressed under SRMT Rules Civ.App.Proc. They are addressed under FRAP. As a result, this Court applies SRMT Rules Civ.App.Proc. Rule II(B) , and looks to FRAP Rule 5, and 28 U.S.C. 1292, to conclude that this Court shall permit interlocutory appeals. However, This Court will limit the particular types of appeals and issues that may be appealed while a case is ongoing, to those identified under 28 U.S.C. 1292 only, and no others.

This Court originally issued an Administrative Order of the Court on July 17, 2019, permitting interlocutory appeals. The Order as originally signed by former Chief Justice Michele Mitchell is affirmed by this order. This Order is issued *nunc pro tunc* effective as of July 17, 2019.

ORDER

It is hereby ORDERED that, for the reasons stated herein, interlocutory appeals are henceforth permitted in this Court if filed in compliance with FRAP 5 and applicable SRMT law.

Signed by my hand this 5th day of June, 2020



Patricia R. Lenzi, Chief Appellate Judge
Saint Regis Mohawk Tribal Appellate Court